

**BRUCE A. KELLY
ATTORNEY AT LAW**

May 7, 2001

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W. — Room TW-A325
Washington, DC 20054

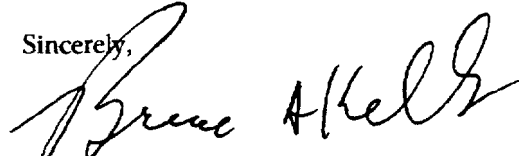
In The Matter of the Request for Review by Questa Independent Schools
CC Docket Nos. 96-45 and 97-21

Questa Independent Schools hereby appeals the U.S.A.C. determination that the Service Provider, Kit Carson Electric Cooperative, Inc., was an ineligible telecommunications service provider. This determination was made for Application Number 102455, Funding Request Number 103079, SPIN 143020243, Contract Number 1. This is for Funding Year 1998-1999. It was contained in the Commitment Adjustment Letter dated April 17, 2001, a copy of which is attached hereto.

The grounds for this appeal are that at the time of the SPIN change request, Kit Carson Electric Cooperative, Inc. was approved by U.S.A.C. A copy of that approval is attached hereto. The Schools relied upon the approval by U.S.A.C., hired Kit Carson and, recently, were forced to pay them using other School funds for that purpose. A copy of the check is attached hereto. Additionally, there was no other service provider willing to provide the services for our small, rural, mountainous community.

The person who can most readily discuss this appeal is Bruce A. Kelly, P. O. Box 2623, Taos, New Mexico 87571 or at the e-mail address of bak@laplaza.org.

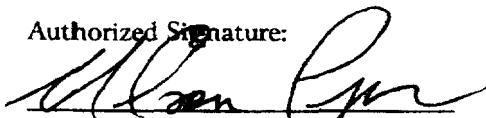
Sincerely,



Bruce A. Kelly
Attorney for the Questa Independent Schools

BAK/cf
att.

Authorized Signature:



Nelson Lopez, Superintendent
Questa Independent Schools

P.O. BOX 2623, TAOS, NM 87571 (505) 751-4184
630 Paseo del Pueblo Sur, Suite 155 - A
bak@laplaza.org

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USAC**Universal Service Administrative Company**

Schools & Libraries Division

Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

COMMITMENT ADJUSTMENT LETTER

April 17, 2001

JOSEPH L. ARAGON
QUESTA INDEPENDENT SCHOOL DISTRICT
PO BOX 440,
QUESTA, NM 87556Re: COMMITMENT ADJUSTMENT
Funding Year: 1998-1999
Form 471 Application Number: 102455

Dear Applicant:

Our routine reviews of Schools and Libraries Program funding commitments revealed certain applications where funds were committed in violation of program rules. We have previously informed you that some or all of the funds committed to you were done so in error.

In order to be sure that no funds are used in violation of program rules, SLD must now adjust your overall funding commitments. The purpose of this letter is to make the adjustments to your funding commitments required by program rules.

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the FRNs from your application for which adjustments are necessary. The SLD is also sending this information to your service provider(s), so preparations can be made to implement this decision. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

Please note that if the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the funds disbursed. The amount is shown as Funds to be Recovered. If funds must be recovered, we will be sending your service provider a letter describing the process for recovering these funds in the near future, and we will send a copy of the letter to you. If the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount.

Box 125, Correspondence Unit, 80 South Jefferson Road, Whippany, NJ, 07981
Visit us online at: <http://www.universalservice.org>

TO APPEAL THESE FUNDING COMMITMENT DECISIONS

If you wish to appeal the Funding Commitment Decision(s) indicated in this letter, your appeal must be made in writing and **RECEIVED BY THE SLD** at the address below **WITHIN 30 DAYS OF THE DATE AT THE TOP OF THIS LETTER**. Appeals received after that date will be rejected as untimely. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. Identify which Commitment Adjustment Letter you are appealing. Your letter of appeal must include the applicant name and the Form 471 Application Number from the top of this Commitment Adjustment Letter.
3. Identify the particular Funding Request Number (FRN) that is the subject of your appeal. When explaining your appeal, include the precise language or text from the Commitment Adjustment Letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, you will enable us to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an original authorized signature on your letter of appeal.

Please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Appeals submitted by fax, phone call, and e-mail **CANNOT** be processed. While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC) so that it is received within 30 days of the date on this letter. Your appeal must be **RECEIVED** by the FCC within 30 days to be considered. Appeal received after that date will be rejected as untimely. You may send your notice of appeal to: FCC, Office of the Secretary, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. To expedite review, please send a copy of your appeal to: Common Carrier Bureau, Accounting Policy Division, Attn: Sheryl Todd, 445 12 Street SW, Washington, DC, 20554.

Further information regarding filing an appeal directly with the FCC can be found in the "How to Apply, Step-by-Step" area of the SLD web site at www.sl.universalservice.org.

A GUIDE TO THE FUNDING COMMITMENT REPORT

Attached to this letter will be a report for each funding request from your application for which a commitment adjustment is required. We are providing the following definitions.

- **FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each request in Block 5 of your Form 471 once an application has been processed. This number is used to report to Applicants and Service Providers the status of individual discount funding requests submitted on a Form 471.
- **SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support programs.
- **SERVICE PROVIDER:** The legal name of the service provider.
- **CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.
- **SERVICES ORDERED:** The type of service ordered from the service provider, as shown on Form 471.
- **SITE IDENTIFIER:** The Entity Number listed in Form 471 for "site specific" FRNs.
- **BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.
- **ADJUSTED FUNDING COMMITMENT:** This represents the adjusted total amount of funding that SLD has committed to this FRN. If this amount exceeds the Funds Disbursed to Date, the SLD will continue to process properly filed invoices up to the new commitment amount.
- **FUNDS DISBURSED TO DATE:** This represents the total funds which have been paid up to now to the identified service provider for this FRN.
- **FUNDS TO BE RECOVERED:** This represents the amount of Funds Disbursed to Date that exceed the Adjusted Funding Commitment amount. These funds will have to be recovered. If the Funds Disbursed to Date do not exceed the Adjusted Funding Commitment amount, this entry will be \$0.
- **FUNDING COMMITMENT ADJUSTMENT EXPLANATION:** This entry provides a description of the reason the adjustment was made.

Funding Commitment Report for Application Number: 102455

Funding Request Number: 103079 SPIN: 143020243
Service Provider: Kit Carson Electric Cooperative, Inc.
Contract Number: 1
Services Ordered: TEL.COMM SERVICES
Site Identifier:
Billing Account Number:
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date: \$0.00
Funds to be Recovered: \$0.00
Funding Commitment Adjustment Explanation:
Commitment reduced due to ineligible telecommunications service provider.



UNIVERSAL SERVICE
ADMINISTRATIVE CO.

Box 125 - Correspondence Unit
50 South Jefferson Road
Whippany, New Jersey 07981

EXHIBIT 2

SCHOOLS AND LIBRARIES DIVISION

January 20, 2000
Nelson Lopez
Questa Independent Schools
P. O. Box 440
Questa, NM 87556
VIA FAX: 505-586-0531
Total Pages: 1

This will serve as confirmation that SLD has completed your Service Provider Identification Number (SPIN) Change Request. The changes made are as follows:

471 Application Number:	102455	
Funding Request Number:	103079	
Original SPIN:	143000512	US West Interprise
Corrected SPIN:	143020243	Kit Carson Electric Cooperative, Inc.

This change became effective as of December 29, 1999

Thank you for your continued patience and support of the E-rate Program for Schools and Libraries.

William Kraemer
Schools and Libraries Division
Universal Service Administrative Company

Home Page: <http://www.sl.universalservice.org/>

01-20-00 12:06

RECEIVED FROM:

P. 01

**QUESTA INDEPENDENT SCHOOLS
EDUCATION TECHNOLOGY EQUIPMENT ACT**

P.O. BOX 440
QUESTA, NM 87556

1054

TAX DEDUCTIBLE ITEM ☐

4/11/01

95-145-1070

KIT CARSON ELECTRIC

NINETY SIX THOUSAND FIVE HUNDRED EIGHTY EIGHT AND 00/100



www.fsb.com

WIRELESS COMMUNICATION EQUIPMENT

⑈001054⑈ ⑆107001452⑆ 024002135⑈

BAL FORD	
THIS PAYMENT	96,588.00
BALANCE	
OTHER	
BAL FORD	

NOT NEGOTIABLE

Mr. Nelson Lopez, Superintendent
Questa Independent Schools
P.O. Box 440
Questa, NM 87556

Dear Mr. Lopez:

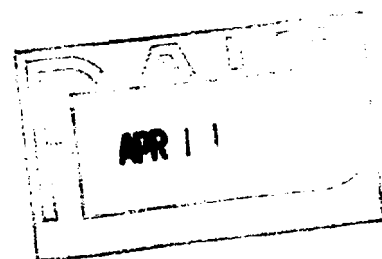
Reference is made to your telephone conversation with Carmella Suazo, Executive Secretary, today. You indicated that the Questa School Board approved the payment to Kit Carson for an outstanding balance in the amount of \$96,588.00 for wireless communication equipment that Kit Carson Telecommunications installed at the Questa Independent Schools.

In the event Schools and Libraries pay the amount directly to Kit Carson we will reimburse the Questa Schools within two weeks of receipt of the payment.

Sincerely,

Luis A. Reyes
Chief Executive Officer

LAR/cs



BOARD OF TRUSTEES

Michael Arguello
Tim Cottam
Leroy Gonzales

Virgil Martinez
Ambrose Mascareñas
Manuel Medina

James Murry
Arthur Rodarte
Juan Valdez



Luis A. Reyes
Chief Executive Officer
John F. McCarthy Jr.
Corporate Attorney